FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

July 28, 2010

Lee Bailey
REDACTED

Warning Letter Re: FPPC Case No. 10/609, Lee Bailey

Dear Mr. Bailey:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),[1] found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you, a copy of which is enclosed, that alleged you filed your candidate statement of economic interests 60 days late.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you did not timely file your candidate statement of economic interests.

The Act provides that delaying filing the candidate statement of economic interests is a violation. Specifically, the Act requires candidates for an office designated in a conflict of interest code to file a statement disclosing investments, business positions, interests in real property, and income received during the immediately preceding 12 months, as enumerated in the disclosure requirements for that position. The statement is required to be filed with the election official with whom the candidate's declaration of candidacy or other nomination documents to appear on the ballot are required to be filed and shall be filed no later than the final filing date for the declaration or nomination documents. (Gov. Code § 87302.3.) The final filing date for the declaration documents for the County of Tulare in the June 2010 primary election was March 12, 2010. You filed your candidate statement of economic interests on May 11, 2010, which is 60 days after the due date.

[1] The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Your actions violated the Act because your candidate statement of economic interests was filed 60 days after the due date. Because, however, you were given incorrect information by Tulare County saying you did *not* have to file the candidate statement of economic interests,[2] we have decided to close this case.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to $5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

If you have questions regarding this matter, please contact Adrianne Korchmaros at (916) 322-8241.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW:AK:ak

cc: Eldon Thompson

[2] Section 87302.3, which requires every candidate for an elective office that is designated in a conflict of interest code to file a statement, was added to the Act in 2007.